IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ PETITION NO. 561 (SS) OF 2001

(Old NO.1549 of 2000)

Vijay Prakash Saxena,
son of late Shri Uma Shankar Saxena
Resident of Type III/B, Bairaj Colony,
Bhapapur, Haridwar. .....Petitioner.

Versus

1. State of U.P., through Secretary Food and Civil Supplies, U.P. Lucknow.
2. District Supply Officer, Haridwar.
3. District Magistrate, Haridwar. .....Respondents.

Sri Lok Pal Singh, Advocate for the petitioner.
Ms. Beena Pandey, learned Standing Counsel for the State of U.P.
Learned Standing Counsel for the State of U.A.

Dated : 22.02.2006

Hon'ble Rajesh Tandon, J.

By the present writ petition, the petitioner has prayed for a writ of certiorari quashing the order dated 06.12.1999 passed by the respondent no. 3 (Annexure No. 13 to the writ petition). Further the petitioner has prayed for a writ of mandamus directing the respondents to regularize the services of the petitioner on the post of Junior Clerk in the office of District Supply Officer, Haridwar.

2. During the course of the arguments, the petitioner has confined his prayer only for a writ of mandamus directing the respondent to consider the case of the petitioner in accordance with the Uttaranchal Regularization of Adhoc Appointments Rules, 2002.

3. Brief facts giving rise to the present writ petition are that according to the case of the petitioner, he was appointed on 14th December, 1990 as per order issued by respondent no. 2 on

adhoc basis as Junior Clerk. For a period of two months or till a regularly selected candidate appointee is appointed in the post, the petitioner joined as Junior Clerk in the office of the District Supply Officer, Haridwar.

4. On 22nd February, 1991, the petitioner was appointed on temporary basis from 15.02.1991 to 30.05.1991. The petitioner continued to do work as Junior Clerk in the District Supply Officer, Haridwar without any break and thereafter by order dated 13th June, 1991 issued by the respondent no. 3 the petitioner was again appointed for a period of six months on ad hoc basis.

5. The petitioner in pursuance of the order dated 13th June, 1991 continued to work on the post of Junior Clerk without any break in the District Supply Office, Haridwar and thereafter by order dated 26.12.1991, issued by respondent no. 2 in pursuance of respondent no.3's order, he was again appointed on ad hoc basis till 22.02.1992 or till a regular selection takes place after constitution of a selection committee.

6. From time to time, the petitioner has been permitted to work. However, the petitioner has been continuing on the said post as Junior Clerk since the inception of his appointment vide order dated 14.12.1990 in the office of District Supply Officer, Haridwar.

7. The petitioner has submitted that his service has not yet been regularized and he has been working continuously on the post of Junior Clerk right from 14.12.1990 and now he has become overage. Petitioner has already preferred a representation before the respondents for regularization of his services.

8. The short submission of the petitioner is that he may be considered for being regularized in accordance with उत्तरांचल

(लोक सेवा आयोग के क्षेत्र के बाहर पदों पर) तदर्थ नियुक्तियों का विनियमितीकरण नियमावली, 2002.

9. In view of the above, the respondents are directed to decide the representation of the petitioner in accordance with law within a period of six weeks from the presentation of the certified copy of the order.

10. Consequently, the order passed on 06.12.1999 by which the representation of the petitioner for regularization was rejected shall be subject to the final order, which may be passed by the respondents on the fresh representation to be filed by the petitioner.

11. Writ petition is disposed of accordingly. No order as to costs.

(Rajesh Tandon, J.)

22.02.2006
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